

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2611

To authorize conveyance of land on which is situated the United States  
Coast Guard Whitefish Point Light Station.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1995

Mr. STUPAK introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize conveyance of land on which is situated the  
United States Coast Guard Whitefish Point Light Station.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. AUTHORITY TO CONVEY WHITEFISH POINT**  
4       **LIGHT STATION LAND.**

5       (a) AUTHORITY TO CONVEY.—

6               (1) IN GENERAL.—Except as provided in para-  
7       graph (2), the Secretary of the Department in which  
8       the Coast Guard is operating (in this section re-  
9       ferred to as the “Secretary”) may convey, by an ap-

1       appropriate means of conveyance, all right, title, and  
2       interest of the United States in and to each of 3  
3       parcels comprising the land on which the United  
4       States Coast Guard Whitefish Point Light Station is  
5       situated (in this section referred to as the “Prop-  
6       erty”), as follows:

7               (A) To the Great Lakes Shipwreck Histori-  
8       cal Society (in this section referred to as a “re-  
9       cipient”), located in Sault Ste. Marie, Michigan,  
10      a parcel of land described as follows:

11             A parcel of land located in Fractional  
12             Section 32, Town 51 North, Range 5  
13             West, Whitefish Township, Chippewa  
14             County, Michigan, more particularly de-  
15             scribed as commencing at the Southwest  
16             corner of said Section 32; thence  
17             N89°51’00”E along the South line of said  
18             Section 32 a distance of 2,054.59 feet to  
19             a D.N.R. brass capped monument at the  
20             Meander Corner between said Section 32  
21             and Section 5, Town 50 North, Range 5  
22             West; thence N09°05’48”W a distance of  
23             786.48 feet to a 1/2” iron pin w/P.S. cap in  
24             the centerline of Whitefish Road, said  
25             point is the point of beginning; thence con-

1           tinuing N09°05'48"W a distance of 163.70  
2           feet to a B.L.M. brass capped monument;  
3           thence N01°30'39"W a distance of 537.25  
4           feet to a D.N.R. Aluminum capped monu-  
5           ment, later referred to in this description  
6           as "Point A"; thence continuing  
7           N01°30'39"W a distance of 189 feet, more  
8           or less, to the water's edge of Lake Supe-  
9           rior; thence Southeasterly along said wa-  
10          ter's edge a distance of 945 feet, more or  
11          less; thence S68°16'41"W a distance of  
12          171 feet, more or less, to a 1/2" iron pin w/  
13          P.S. cap, said pin bears S63°24'47"E a  
14          distance of 741.84 feet from aforemen-  
15          tioned "Point A"; thence continuing  
16          S68°16'41"W along an existing road/path  
17          (Whitefish Point road extended) a distance  
18          of 384.74 feet to a 1/2" iron pin w/P.S.  
19          cap; thence S49°51'18"W along said road  
20          a distance of 347.89 feet to the point of  
21          beginning. Containing 4.816 acres, more or  
22          less (8.734 acres, more or less to shore of  
23          Lake Superior). Subject to all easements,  
24          conditions, reservations, exceptions and re-

1 strictions contained in prior conveyances of  
2 record.

3 (B) To the United States Fish and Wild-  
4 life Service (in this section referred to as a “re-  
5 cipient”), a parcel of land described as follows  
6 but excluding the parcel described in subpara-  
7 graph (C):

8 A parcel of land located in Fractional  
9 Section 32, Town 51 North, Range 5  
10 West, Whitefish Township, Chippewa  
11 County, Michigan, more particularly de-  
12 scribed as commencing at the Southwest  
13 corner of said Section 32; thence  
14 N89°51'00"E along the South line of said  
15 Section 32 a distance of 2,054.59 feet to  
16 a D.N.R. aluminum capped monument at  
17 the Meander Corner between said Section  
18 32 and Section 5, Town 50 North, Range  
19 5 West; said Meander Corner is the point  
20 of beginning: thence S41°00'00"E along  
21 the line dividing the accreted land between  
22 said Sections 32 and 5, a distance of  
23 184.80 feet to a D.N.R. aluminum capped  
24 monument, later referred to in this de-  
25 scription as “Point B”; thence continuing

1 S41°00'00"E a distance of 381 feet, more  
2 or less, to the water's edge of Lake Supe-  
3 rior; thence Northeasterly and Northwest-  
4 erly along said water's edge a distance of  
5 2590 feet, more or less; thence  
6 S68°16'41"W a distance of 171 feet, more  
7 or less, to a 1/2" iron pin which bears  
8 N67°30'00"E a distance of 1150.00 feet  
9 and N39°05'42"W a distance of 1085.76  
10 feet from aforementioned "Point B";  
11 thence continuing S68°16'41"W a distance  
12 of 384.74 feet to a 1/2" iron pin; thence  
13 S49°51'18"W a distance of 347.89 feet to  
14 a 1/2" iron pin; thence S09°05'48"E a dis-  
15 tance of 786.48 feet to the point of begin-  
16 ning. Containing 37.765 acres, more or  
17 less (including all land to the water's edge  
18 of Lake Superior). Subject to all ease-  
19 ments, conditions reservations, exceptions  
20 and restrictions contained in prior convey-  
21 ances of record.

22 (C) To the Michigan Audubon Society (in  
23 this section referred to as a "recipient"), a par-  
24 cel of land described as follows:

1           A parcel of land located in Fractional  
2           Section 32, Town 51 North, Range 5  
3           West, Whitefish Township, Chippewa  
4           County, Michigan, more particularly de-  
5           scribed as commencing at the Southwest  
6           Corner of said Section 32; thence  
7           N89°51'00"E along the South line of said  
8           Section 32 a distance of 2,054.59 feet to  
9           a D.N.R. aluminum capped monument at  
10          the Meander Corner between said Section  
11          32 and Section 5, Town 50 North, Range  
12          5 West; thence N09°05'48"W, 786.48 feet,  
13          thence N49°51'18"E, 265.01 feet to the  
14          point of beginning; thence continuing  
15          N49°51'18"E, 82.88 feet; thence  
16          N68°16'41"E, 170.00 feet; thence  
17          S28°13'19"E, 460.00 feet; thence  
18          S61°46'41"W, 250.00 feet; thence  
19          N28°13'19"W, 462.12 to the point of be-  
20          ginning.

21          Containing 2.7 acres, more or less. Subject to  
22          all easements, conditions, reservations, excep-  
23          tions, and restrictions contained in prior con-  
24          veyances of record.

1           (2) LIMITATION.—Notwithstanding paragraph  
2           (1), the Secretary shall retain for the United States  
3           all right, title, and interest in—

4                   (A) any historical artifact, including any  
5                   lens or lantern, and

6                   (B) the light, antennas, sound signal, tow-  
7                   ers, associated lighthouse equipment, and any  
8                   electronic navigation equipment, which are ac-  
9                   tive aids to navigation,  
10           which is located on the Property, or which relates to  
11           the Property.

12           (3) IDENTIFICATION OF THE PROPERTY.—The  
13           Secretary may identify, describe, and determine the  
14           parcels to be conveyed pursuant to this section.

15           (b) TERMS AND CONDITIONS.—

16                   (1) IN GENERAL.—Any conveyance pursuant to  
17                   subsection (a) shall be made—

18                           (A) without payment of consideration; and

19                           (B) subject to such terms and conditions  
20                   as the Secretary considers appropriate.

21           (2) MAINTENANCE OF NAVIGATION FUNC-  
22           TIONS.—The Secretary shall ensure that any convey-  
23           ance pursuant to this section is subject to such con-  
24           ditions as the Secretary considers to be necessary to  
25           assure that—

1 (A) the light, antennas, sound signal, tow-  
2 ers, and associated lighthouse equipment, and  
3 any electronic navigation equipment, which are  
4 located on the Property and which are active  
5 aids to navigation shall continue to be operated  
6 and maintained by the United States for as  
7 long as they are needed for this purpose;

8 (B) the recipients may not interfere or  
9 allow interference in any manner with such aids  
10 to navigation without express written permis-  
11 sion from the United States;

12 (C) there is reserved to the United States  
13 the right to relocate, replace, or add any aids  
14 to navigation, or make any changes on any por-  
15 tion of the Property as may be necessary for  
16 navigation purposes;

17 (D) the United States shall have the right,  
18 at any time, to enter the Property without no-  
19 tice for the purpose of maintaining aids to navi-  
20 gation;

21 (E) the United States shall have—

22 (i) an easement of access to the Prop-  
23 erty for the purpose of maintaining the  
24 aids to navigation and associated equip-  
25 ment in use on the Property,

1 (ii) an easement for an arc of visi-  
2 bility,

3 (iii) a 500-foot nuisance easement  
4 around the Fog Signal Tower, and

5 (iv) an easement for an underground  
6 cable running from the Fog Signal Tower  
7 to the Light; and

8 (F) the United States shall not be respon-  
9 sible for the cost and expense of maintenance,  
10 repair, and upkeep of the Property.

11 (3) MAINTENANCE OBLIGATION.—The recipi-  
12 ents shall not have any obligation to maintain any  
13 active aid to navigation equipment on any parcel  
14 conveyed pursuant to this section.

15 (c) PROPERTY TO BE MAINTAINED IN ACCORDANCE  
16 WITH CERTAIN LAWS.—Each recipient shall maintain the  
17 parcel conveyed to the recipient pursuant to subsection (a)  
18 in accordance with the provisions of the National Historic  
19 Preservation Act (16 U.S.C. 470 et seq.), and other appli-  
20 cable laws.

21 (d) MAINTENANCE STANDARD.—Each recipient shall  
22 maintain the parcel conveyed to the recipient pursuant to  
23 subsection (a), at its own cost and expense, in a proper,  
24 substantial, and workmanlike manner, including the ease-

1 ments of access, the easement for an arc of visibility, the  
2 nuisance easement, and the underground easement.

3 (e) COOPERATIVE USE AGREEMENT.—The Secretary  
4 shall require, as a condition of each conveyance of prop-  
5 erty under this section, that all of the recipients have en-  
6 tered into the same cooperative agreement governing the  
7 shared use and occupancy of the existing Whitefish Point  
8 Light Station facilities. The cooperative agreement shall  
9 include—

10 (1) terms governing building occupancy and ac-  
11 cess of recipient staff and public visitors to public  
12 restrooms, the auditorium, and the parking lot; and

13 (2) terms requiring that each recipient shall be  
14 responsible for paying a pro rata share of the costs  
15 of operating and maintaining the existing Whitefish  
16 Point Light Station facilities, that is based on the  
17 level of use and occupancy of the facilities by the re-  
18 cipient.

19 (f) LIMITATIONS ON DEVELOPMENT AND IMPAIRING  
20 USES.—It shall be a term of each conveyance under this  
21 section that—

22 (1) no development of new facilities or expan-  
23 sion of existing facilities or infrastructure on prop-  
24 erty conveyed under this section may occur, except  
25 for purposes of implementing the Whitefish Point

1 Comprehensive Plan of October 1992 and for a gift  
2 shop, unless—

3 (A) each of the recipients consents to the  
4 development or expansion in writing;

5 (B) there has been a reasonable oppor-  
6 tunity for public comment on the development  
7 or expansion, and full consideration has been  
8 given to such public comment as is provided;  
9 and

10 (C) the development or expansion is con-  
11 sistent with preservation of the Property in its  
12 predominantly natural, scenic, historic, and for-  
13 ested condition; and

14 (2) any use of the Property or any structure lo-  
15 cated on the property which may impair or interfere  
16 with the conservation values of the Property is ex-  
17 pressly prohibited.

18 (g) REVISIONARY INTEREST.—

19 (1) IN GENERAL.—All right, title, and interests  
20 in and to property and interests conveyed under this  
21 section shall revert to the United States and there-  
22 after be administered by the Secretary of Interior  
23 acting through the Director of the United States  
24 Fish and Wildlife Service, if—

1 (A) in the case of such property and inter-  
2 ests conveyed to the Great Lakes Shipwreck  
3 Historical Society, the property or interests  
4 cease to be used for the purpose of historical in-  
5 terpretation;

6 (B) in the case of such property and inter-  
7 ests conveyed to the Michigan Audubon Society,  
8 the property or interests cease to be used for  
9 the purpose of environmental protection, re-  
10 search, and interpretation; or

11 (C) in the case any property and interests  
12 conveyed to a recipient referred to in subpara-  
13 graph (A) or (B)—

14 (i) there is any violation of any term  
15 or condition of the conveyance to that re-  
16 cipient; or

17 (ii) the recipient has ceased to exist.

18 (2) AUTHORITY TO ENFORCE REVERSIONARY  
19 INTEREST.—The Secretary of the Interior, acting  
20 through the Director of the United States Fish and  
21 Wildlife Service, shall have the authority—

22 (A) to determine for the United States  
23 Government whether any act or omission of a  
24 recipient results in a reversion of property and  
25 interests under paragraph (1); and

1           (B) to initiate a civil action to enforce that  
2           reversion, after notifying the recipient of the in-  
3           tent of the Secretary to initiate that action.

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